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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,330	02/12/2004	Paula J. Saint-Amour	78478/00002	4928
23380	7590	06/28/2005	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			SUN, XIUQIN	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HA

Office Action Summary	Application No. 10/777,330	Applicant(s) SAINT-AMOUR ET AL.	
	Examiner Xiuqin Sun	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I. The species best illustrated by the specification on page 3 lines 15-29.

Species II. The species best illustrated by the specification on page 3 lines 30-34 and page 4 lines 1-2.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are deemed generic. Applicant must identify the claims he deems to belong to the elected species.

3. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are

added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

5. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

6. During a telephone conversation with Susan Mizer on 06/16/2005 a provisional election was made without traverse to prosecute the invention of Species I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17-20 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6 and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Aratow et al. (U.S. Pat. No. 2004/0008125 A1).

With respect to claim 1 and 9, Aratow et al. teach an electronic system for identifying a public health risk comprising: attendance input means adapted for periodically receiving data representative of attendance information for at least one selected student (sections 0048, 0052-0060 and 0097); associating means adapted for associating the input attendance information with demographic information of the at least one selected student to form associated attendance information (sections 0062-0095); analyzing means adapted for analyzing the associated attendance information against data representative of selected criteria to identify a public health risk (sections 0022, 0048, 0099 and 00103); and means for outputting data representative of an identified public health risk (sections 0022, 0024, 0027, 0036, 0048 and 0099-0105).

With respect to claims 2-6 and 10-14, Aratow et al. teach: the demographic information of the at least one student includes at least one of a home address, a postal code corresponding to the home address, emergency contact information, an identification of at least one legal guardian, and an email address of the at least one legal guardian (sections 0062-0095); comprising transmitting means adapted for transmitting the associated attendance information to a remote data processing device,

and wherein the analyzing means is associated with the remote data processing device (sections 0031, 0032 and Fig. 4); the remote data processing device comprises sorting means adapted for sorting the received attendance information into one of a plurality of categories, each corresponding to a pre-specified postal code (sections 0035, 0133 and Fig.5); the analyzing means identifies a public health risk by analyzing trends in attendance data relative to each postal code category (sections 0048, 0125 and 0133); attendance input means includes at least one of a local desktop computer, a handheld device, an Internet-accessible web page, an radio frequency identification device and a machine readable indicia (sections 0011, 0021 and 0022).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7, 8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aratow et al. (U.S. Pat. No. 2004/0008125 A1) in view of Gile et al. (U.S. Pub. No. 2004/0066276 A1).

With respect to claims 7, 8, 15 and 16, Aratow et al. teach a system that includes the subject matter discussed above. Aratow et al. do not mention expressly: email notification means adapted for automatically creating and transmitting to the parental

figure of the at least one student an email message comprising attendance information of the at least one student; and the email message further comprises homework information for the at least one student.

Gile et al. teach a biometric identification and reporting system, including: email notification means adapted for automatically creating and transmitting to the parental figure of the at least one student an email message comprising attendance information of the at least one student (sections 0011 and 0021); and the email message further comprises homework information for the at least one student (section 0011 and 0027).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Gile et al. into the invention of Aratow et al. in order to inform the parents immediately if a student is absent and/or the student's school performance automatically an electronically (Gile, section 0015).

Contact Information


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

XS
June 20, 2005


MICHAEL NGHIEM
PRIMARY EXAMINER

Xiuqin Sun
Examiner
Art Unit 2863